

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 TULIO F. PATINO,

5 Plaintiff,

6 v.

7 NEVADA DEPARTMENT OF
8 CORRECTIONS, *et. al.*,

9 Defendants.

Case No. 3:18-CV-00241-RCJ-CLB
**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE¹**

10 **I. DISCUSSION**

11 On February 7, 2022, Defendants filed a motion for extension of time to file a
12 motion for summary judgment. (ECF No. 38.) The following day Lovelock Correctional
13 Center returned that filing, which was addressed to Plaintiff Tulio Patino (“Patino”), with a
14 handwritten note that said, “RTS Inmate at PAR.” (ECF No. 39.) The Court through its
15 experience understands this note to mean Patino has been paroled. In addition, the
16 Nevada Department of Corrections public database also lists Patino as paroled. Pursuant
17 to Local Rule IA 3-1, a party must immediately file with the Court written notification of
18 any change of mailing address. Thus, the Court gave Patino until March 11, 2022 to file
19 a notice of change of address. (ECF No. 40.) Patino was cautioned that a failure to comply
20 with this Court’s order would result in a recommendation that this action be dismissed.
21 (*Id.*) To date, Patino has failed to comply with this Court’s order as he has not filed a
22 notice of change of address.

23 Accordingly, the Court recommends that this action be dismissed, without
24 prejudice, for Patino’s failure to comply with this Court’s order to file a notice of change of
25 address.

26 ¹ This Report and Recommendation is made to the Honorable Robert C. Jones,
27 United States District Judge. The action was referred to the undersigned Magistrate
28 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4.

1 The parties are advised:

2 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of
3 Practice, the parties may file specific written objections to this Report and
4 Recommendation within fourteen days of receipt. These objections should be entitled
5 "Objections to Magistrate Judge's Report and Recommendation" and should be
6 accompanied by points and authorities for consideration by the District Court.

7 2. This Report and Recommendation is not an appealable order and any notice
8 of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
9 Court's judgment.

10 **II. RECOMMENDATION**

11 For the reason stated above, the Court recommends that the District Court enter
12 an order **DISMISSING** this action without prejudice.

13 **DATED:** March 17, 2022.

14 
15 **UNITED STATES MAGISTRATE JUDGE**